

## **ASHFORD BOROUGH COUNCIL TENTERDEN & RURAL SITES DPD**

### **MINUTES OF THE PRE-HEARING MEETING 10.00 29 April 2010 in the Council Chamber, Civic Centre**

#### **Introduction**

The Inspector introduced herself and confirmed that she is a Chartered Town Planner, appointed by the Secretary of State to conduct an Examination into the soundness of Ashford Borough Council's Submitted Tenterden & Rural Sites Development Plan Document – the DPD.

#### **The Purpose of the Pre Hearing Meeting**

The purpose of the Pre Hearing Meeting (PHM) is to provide an opportunity for procedural and administrative matters relating to the Examination to be explained and discussed. It is not to discuss the merits of the issues to be considered at the hearings.

#### **Purpose of the Examination**

The Examination of the DPD is to investigate whether or not the DPD is sound in relation to the tests of soundness set out in Planning Policy Statement 12 (PPS12). The starting point is the assumption that the Council has submitted what it considers to be a sound plan – that is: it proposes the right actions for the area; it will achieve what it sets out to achieve; and is consistent with national policy.

#### **Role of the Inspector**

The Inspector's role is to consider all representations made to the Submission version of the DPD but only in so far as they relate to the soundness of the plan – whether it is justified, effective and consistent with national policy. The Inspector is not required to consider each and every 'objection' or to report on it. The representations are the starting point for her deliberations but she is able to raise other matters too.

Anyone who has made a duly-made representation seeking to **change** the DPD can take part in the hearings. Those wishing to appear at the hearings should have registered their interest by returning the Council's Questionnaire by 16 April 2010. There is no need for those **supporting** the DPD, or merely making comments, to take part in the hearings although they may attend as observers.

#### **Programme Officers**

Having set the scene, the Inspector then introduced the Programme Officers (PO), Lynn Freeland and Pam Herapath. They are acting as impartial officers of the Examination under the Inspector's direction and not as employees of the Council.

Their contact details are: Tel 01233 330747

email [programmeofficer@ashford.gov.uk](mailto:programmeofficer@ashford.gov.uk).

The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that

all documents received are recorded and distributed, and to keep the Examination Library. Copies of the Examination documents are available on the Council's web site and the PO can make available electronic or paper copies on request.

During the Examination the PO will be able to tell you how closely the hearing sessions are following the hearings Programme. Alternatively, you will be able to view a regularly-updated Programme on the Council's web site. **It is up to individual participants to check the hearings Programme, and to ensure that they are present at the correct time.** Any other procedural questions or other matters that you wish to raise with the Inspector prior to the hearings should be made through the PO.

### **Introduction of the Council Team**

The Inspector invited the Council Team to introduce themselves:

Richard Alderton, Head of Planning and Development  
Simon Cole, Policy Manager  
Daniel Carter, Senior Policy Officer  
Brenda Fazzani – Planning Officer  
Katy Wiseman – Policy Planner  
Danielle Brough – Policy Planner  
Carly Pettit – Policy Planner

### **Procedural Questions for the Council**

The Inspector put some formal procedural questions for the Council, which are part of the tests of soundness. Simon Cole confirmed briefly that the DPD has been prepared in accordance with:

- the Council's Local Development Scheme and
- the Statement of Community Involvement, and that
- it has been supported by a Sustainability Appraisal and
- there is confirmation from the SE England Partnership Board that the DPD is in general conformity with the Regional Spatial Strategy, the SE Plan

### **How the hearings will be conducted**

The hearings will run from **Tuesday to Thursday in the fortnight beginning Monday 21 June 2010**. The hearing sessions will normally start at 10.00 and 14.00 each day with a short break mid-morning and mid-afternoon. Lunch will be at about 13.00.

### **Procedure at hearing sessions**

The hearing format will provide a relaxed and informal setting for dealing with issues by way of a discussion that the Inspector will lead. Participants may be represented by professional advocates and witnesses if they so wish, but there will be no formal presentation of evidence or cross-examination.

The purpose of the hearings is to concentrate on the issues about which the Inspector needs to hear further. They are not an opportunity to repeat a case already made in the representations. It is not essential to appear unless one wishes to join the discussion, and **the Inspector will give equal weight to views put in written submissions or orally at the hearings.**

The Inspector will start by making a few brief comments on matters she wants to cover. If necessary, an agenda will be sent out in advance for those attending.

She will direct a question to a person – sometimes the Council representative – to start the discussion in response to points raised. The hearing will then progress under her guidance, drawing those present into the discussion in such a way as to enable her to gain the information necessary to come to a firm conclusion and decision on the matters.

The PO will provide name boards for each participant which should be up-ended to indicate a wish to speak. In that way the Inspector can invite contributions throughout the discussion without overlooking anyone with a point to make.

Where several people wish to make similar points, representors should please consider carefully whether their concerns could be dealt with by a group spokesperson. In order to run efficient sessions the Inspector will not permit the repetition of points at hearings: a good point made ten times does not become a better point.

### **Draft Matters and Issues for discussion and the Draft Programme**

The main matters for the discussion at the hearings, as I see them so far, and the draft outline of the inquiry programme, are as follows:

In the first week we will be discussing:

Day 1, Tues 22 June – the DPD's vision and objectives, the rationale for the housing figures, the distribution strategy and housing mix

Day 2, Wed 23 – Tenterden

Day 3, Thurs 24 – am Charing and Hamstreet  
pm other Housing issues and Employment

#### Week 2

Day 4, Tues 29 – Wye

Day 5, Wed 30 – Tier 3 settlements

Day 6, Thurs 1 July – other matters including transport, retail, community facilities, landscape, monitoring and implementation.

The full Programme with names attached to particular topics will be circulated shortly after the PHM.

The Inspector emphasised that if you wish to take part in the hearings but have not already told the PO that you wish to appear, or alternatively that you no longer wish to appear but will rely on written representations, that you do so as soon as possible. In fairness to others it may not be possible to accommodate late requests.

### **The submission of further statements**

Your original representations should have included all your points and evidence, which the Inspector will have read, and it is not essential to submit any further material. Any further written submissions, should you feel it necessary to make them, should be based on the Matters and Issues for the examination and must be submitted as follows:

For those who have said that they wish to appear at the hearings, any further statements must be submitted to the PO by **Thursday 27 May 2010 for Issues programmed for Week 1 of the hearings, and Thursday 3 June for Issues in Week 2.**

For those who do not wish to appear but who are making their comments by written representations only, the deadline for further submissions, should you feel it is necessary to make them, will be **Friday 18 June.**

Further details about the form of submissions are given in the Appendix.

### **Core Documents and the Examination Library**

The Council has prepared a list of Core Documents that will be available in the Examination Library. These are the documents expected to be referred to most frequently and include the Regional Spatial Strategy, national policy documents such as Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs), and other background papers. Extracts of these documents should **not** be attached to statements – a reference to policy or paragraph numbers is all that is required.

The Examination Library will be available at the venue during the Hearings. Anyone wishing to consult the Library during or before the Hearings should contact the PO. The Core Documents list will be kept updated and is available from the PO. It is also posted on the website with links to electronic versions of the documents wherever possible.

### **Site visits**

The Inspector will be making unaccompanied site visits before, during and after the hearings, viewing sites from public roads and land. If any sites are not readily visible from publicly accessible land it may be necessary to arrange accompanied visits to them, through the PO.

### **Inspector's Report**

Following the close of the hearings the Inspector will prepare a Report for the Council with her conclusions and any changes required to the DPD. The Inspector's Report is binding on the Council but the Council is not bound to adopt the DPD if it chooses not to do so.

As the Report is binding it limits the changes that the Inspector can make. Changes involving clarifications may be possible, or to bring the DPD into line with government policy, or deleting part of it, provided the remainder is sound in its own right.

Any other essential changes to achieve a sound plan that have not been subject to public consultation and sustainability assessment are likely to be beyond the Inspector's remit and may result in the Plan being found unsound. The Inspector will announce the expected arrival date of her Report at the last hearing session.

### **Questions from the floor**

John Hobson QC, for Imperial College, Wye:

*When will the Council issue their responses to representations?*

The Council's response dates are the same as those for representors – 3 June for Wye issues, which will be discussed in the second week of the hearings. The former procedure in which objectors presented Statements some 6 weeks before

a development plan inquiry, elaborating their original objection, followed some 3 weeks later by the Council's response, no longer applies. The Council is now assumed to have submitted what it considers to be a sound plan and the representors to have made all their points by the submission stage. Any further representations are merely in response to the Inspector's Matters and Issues, and are made by representors and Council at the same time.

Mr Maclaren, Tenterden resident:

*Site TENT2 has been withdrawn. How can residents defend that withdrawal against developers who wish it to be reinstated?*

Residents who welcome the withdrawal of TENT2 are therefore supporters of the DPD, and can safely leave Council to defend its own Plan at the hearings. Supporters do not speak at the hearings, but may come to observe if they wish. They may also submit written representations by 18 June.

Mr Lloyd, CPRE Kent:

*Will the Inspector take into account Proposed Changes to the DPD that have been subject to public consultation?*

Yes, these are incorporated into the Submitted DPD.

Mr Patel for Countryside Properties:

*Will the Inspector take into account points raised at the Issues and Options stage?*

No. The Submitted DPD of February 2010 is the version the Inspector will consider, and the representations made to the Publication Version of the DPD (June 2009) and the Proposed Changes (November 2009). Points made at the Issues and Options Stage may of course have been repeated in those later representations and will thus be taken into account by the Inspector.

Finally, the Inspector emphasised:

- that she will have equal regard to views made orally or in writing;
- the need for succinctness in any further submissions;
- that you must meet the target for statements of **27 May and 3 June 2010** for hearings and **Friday 18 June** for those who are relying on written representations.
- That any further submissions should not merely repeat earlier representations but should focus on the Inspector's Matters and Issues and the tests of soundness.

Stephanie Chivers

4 May 2010

## Appendix - Format for statements

Please send, where possible, emailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format), as well as the paper copies below.

I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from the Core Strategy or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!

None of the statements should be longer than **3,000 words**. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, pages should be numbered and the statements **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated (back or front).

Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library including nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying.

Those appearing at **hearings** should send sufficient copies of all statements to the PO for issuing to each participant, plus four (for the Inspector, Council and Library), e.g. if 10 people are listed for a hearing, then the PO will require 14 copies (to include one unbound, for further copying, and one hole-punched, for the Inspector). For **written representations** only four copies of statements (all unbound and just stapled, with one hole-punched) need to be submitted.

All submitted statements/pieces of paper submitted will be clearly marked, **at the top right hand corner**, with the appropriate Issue No. and the name(s) of the respondent, e.g. **Issue 3/ Mr S Jones & Mr B Hewitt** for a statement on Issue 3, on behalf of Mr S Jones and Mr B Hewitt. The Council's Statements should be similarly referenced using "ABC", e.g. **Issue 3/ABC**.

All participants should adhere to the timetable for submitting statements. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session** since this can cause disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations;

**For those appearing at the hearings:**

**Week 1 Issues - Thursday 27 May**

**Week 2 Issues – Thursday 3 June**

**For those not appearing at the hearings:**

**Friday 18 June**